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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,995	07/02/2007	Fred Van Essen	031707/315410	8930
826 7590 02/18/2010 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER YUSUF, MOHAMMAD I	
			ART UNIT	PAPER NUMBER
			3725	
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			02/18/2010 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/597,995

Applicant(s)

VAN ESSEN, FRED

Examiner

MOHAMMAD YUSUF

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/05/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-7, filed on 01/05/2010, have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter and Reasons for Allowance

2. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

In regard to **claims 5-7**,

It is in the opinion of the examiner that the art of record neither anticipates nor renders obvious "a groove in outwardly facing surface of the rear wall and a groove in the inwardly facing surface of the side wall and that there is a wire as fastening means in the passage defined by the two grooves " in combination with the rest of the claimed limitations set forth in the independent claims.

Closest prior art examiner has found, Smith (US 4,107,964), discloses the invention substantially, but fails to disclose wire fastening mean.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

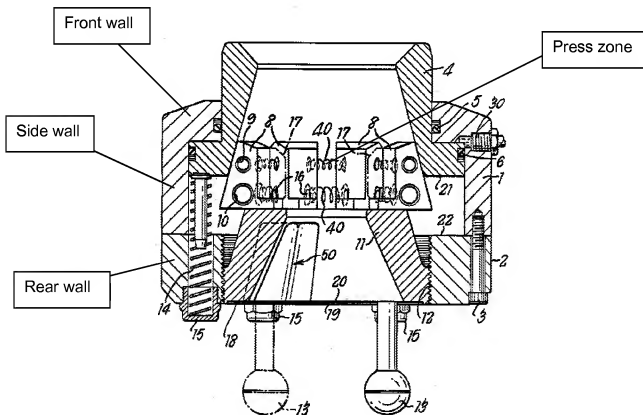
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 is rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US 4,107,964).
5. In regard to **claims 1**, Smith discloses a head assembly [fig. 1] for a swage press including a housing [1] having a peripheral side wall [illustrated on next page] that extends continuously and completely about a circumference of the housing, a front wall [illustrated on next page] integrally formed with said peripheral side wall with an opening in said front wall providing access to a press zone [illustrated on next page] surrounded by said peripheral side wall, said housing having an open rear face [illustrated on next page]; a rear wall [2, illustrated on the next page] secured by fastening means [3] to said peripheral side wall to at least partially close said rear face of the housing, and a hydraulically operated press mechanism [abstract] located within said housing surrounding said press zone. In regard to **claim 2-3**, Smith discloses [in addition to the limitations claimed in both claims 1 and 2] a plurality of shoe elements [die holder 8] having press surfaces [dies 17] facing radially toward said press zone with said shoe elements being arranged circumferentially about said press zone and being restrained by said front wall [front wall as illustrated below, restrains ring or piston 4, which in turn restrains the shoe elements 8] to move in a radial direction toward and away from said press zone [figures 1-3]; an operating piston means [ring 4] cooperable simultaneously [fig. 1-3]] with each of said shoe elements [8] whereby movement of said operating piston means toward said front wall causes movement of said shoe elements in said

radial direction inwardly toward said press zone [figs. 1-3]; and a rear wall [2, illustrated below] secured by fastening means [3] to said peripheral side wall [illustrated below] to at least partially close said rear face of the housing, said rear wall [2] cooperating [by 14] with said operating piston means [4] to define at least one chamber [7, figure 3] for receiving high pressure hydraulic fluid to effect movement of said operating piston means toward said front wall.

Fig. 1



Smith, Figure 1

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 4,107,964) in view of Schrock (US 4,306,442).

In regard to **claim 4**, Smith does not disclose that the chamber is formed by piston and rear wall, rather Smith discloses that the chamber is formed by the front wall and the piston. However, Schrock discloses a chamber [10] being formed by the rear wall [3] and piston [6].

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Smith by having the fluid chamber formed by the rear wall and the piston as suggested by Schrock, in order to provide long radial stroke with small hydraulic delivery [Schrock column 2 lines 45-47].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD YUSUF whose telephone number is (571) 270-7487. The examiner can normally be reached on Monday-Friday 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward Tolan/
Primary Examiner, Art Unit 3725

/MOHAMMAD YUSUF/
Examiner, Art Unit 3725